

# Notice of Allowability

Application No.

09/666,725

Examiner

FIRMN BACKER

Applicant(s)

HIMMELSTEIN, RICHARD B.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 7, 2005.
2. ☒ The allowed claim(s) is/are 1-4 and 6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

FIRMIN BACKER  
PRIMARY EXAMINER

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-4 and 6 are allowed.
2. The following is an examiner's statement of reasons for allowance:
  - a. Applicant disclose an system utilizing a computer system linked to a website to effectuate a tax deferred exchange for barter items including real estate property, real estate leases and all types of securities. A tax deferred exchange permits a property owner to trade one property for another without having to pay federal income tax on the transaction. Tax deferred exchanges are authorized by Section 1031 of the NS code. This system meets the requirements of Section 1031 and other sections of the IRS code to ensure that an exchange is done properly so the tax on the transaction thereby be deferred. Applicant's invention is novel an innovative in the sense that it comprises means for designating a date range for transferring title of a first class of items to be bartered, whereby a barterer may elect between deferring the transfer of title to the first class items to a time after the barter order is used to complete a barter transaction and electing to transfer title along with the completion of a barter transaction. Mini et al (U.S. Patent No. 6,684,196) the closest prior art teaches a personalized transaction manager that allows the buyer and seller to conveniently complete most of the stages of the transaction online. The buyer may select an agent and identify an appropriate property, even where the target neighborhood is a great distance from the buyer's current residence. The transaction manager also provides access for both buyer and seller to a variety of real estate services relating to the various stages of the transaction. The buyer can apply for

financing, homeowner's insurance, and title insurance using the transaction manager. The buyer may also schedule inspections and comply with various regulatory requirements. The buyer and seller may engage in complicated negotiations with regard to the selling price of the property as well as many other standard and nonstandard terms and contingencies. The buyer and seller may establish an escrow account for effecting transfer of title. Both buyer and seller may monitor the status of the transaction at any time. Mini et al fail to teach or suggest means for designating a date range for transferring title of a first class of items to be bartered, whereby a barterer may elect between deferring the transfer of title to the first class items to a time after the barter order is used to complete a barter transaction and electing to transfer title along with the completion of a barter transaction

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

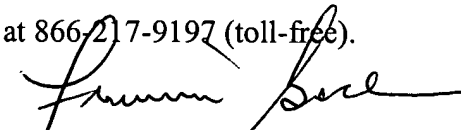
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*b. Minton (U.S. PG Pub No. 20020091611) teach a data processing system, and a network of data processing systems for allowing individuals to buy and sell securities directly from other individuals, with only minimal oversight by a broker.*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FIRMN BACKER whose telephone number is 571-272-6703. The examiner can normally be reached on Monday - Thursday 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
FIRMN BACKER  
Primary Examiner  
Art Unit 3621

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